

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of C.A., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20051153-CA
	)	
C.A.,	)	F I L E D
	)	(April 20, 2006)
Appellant,	)	
	)	2006 UT App 159
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 448420  
The Honorable Sharon P. McCully

Attorneys: Jacee E. Ballard, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce and Suchada Bazzelle, Salt Lake City,  
Guardians Ad Litem

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Before Judges Davis, McHugh, and Orme.

PER CURIAM:

C.A. (Mother) appeals the termination of her parental rights in her child C.A. Mother asserts that the juvenile court failed to consider all required factors in assessing whether it was in the best interest of C.A. to have Mother's parental rights terminated. She also asserts that there was insufficient evidence to find that it was in C.A.'s best interest to terminate Mother's parental rights. We affirm.

Mother first asserts that the juvenile court failed to consider all necessary factors in making the determination of whether terminating Mother's parental rights would be in C.A.'s best interest. In particular, Mother argues that the juvenile court failed to consider the factors required by Utah Code sections 78-3a-402, 78-3a-409, and 78-3a-410. There is no requirement that the juvenile court expressly list each factor or

refer to the applicable section when considering the factors. See In re. S.T., 928 P.2d 393, 400 (Utah Ct. App. 1996). All that is required is that the factors be considered. See id. In reviewing the juvenile court's findings of facts in their entirety, it is clear that the juvenile court considered all legally required factors in making its determination concerning the best interest of C.A. See Utah Code Ann. §§ 78-3a-402, -409, -410 (2002). For example, the findings detail C.A.'s status in his current home, his current condition within that home, and Mother's efforts to correct her conduct to create a safe home for C.A., if he were to be returned. Thus, contrary to Mother's arguments, the juvenile court considered all legally necessary factors in making its best interest determination.

Mother next argues that there was insufficient evidence to support the juvenile court's findings that it was in C.A.'s best interest to have Mother's parental rights terminated. More specifically, Mother argues that there was insufficient evidence to find that C.A. "was in a stable placement, that he was bonding to his foster mother and becoming integrated." In so arguing, Mother implies that it is impossible to find it in C.A.'s best interest to terminate Mother's parental rights if C.A. is not in a home that will necessarily lead to his adoption. Contrary to Mother's arguments, a person's parental rights may be terminated even if no adoptive home has been currently identified for the child. See Utah Code Ann. § 78-3a-411 (2002) (stating that upon termination child is placed in legal custody of a licensed child placement agency or the division for adoption and that all adoptable children shall be placed for adoption); id. § 78-3a-412 (2002) (discussing review procedure after termination to create permanent placement plan for children); see also In re S.L., 1999 UT App 390, ¶48, 995 P.2d 17 (noting that after statutory time runs on reunification efforts the only option is to move towards adoption or some other permanent status; delay in termination proceedings is not an option). Thus, the child's adoption status is only one factor to consider in the determination of the best interest of the child.

The juvenile court considered this factor and determined that even though C.A.'s current foster mother did not know whether she could adopt C.A., it was still in C.A.'s best interest to have Mother's parental rights terminated. Therefore, because the juvenile court considered the child's adoption status in making its findings, the juvenile court properly exercised its discretion in making its best interest determination. See In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118 (stating that this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion" (quotations and citation omitted)); see also In re E.R., 2001 UT

App 66, ¶11, 21 P.3d 680 (stating that we afford the juvenile court a "'wide latitude of discretion as to the judgments arrived at' based upon not only the court's opportunity to judge credibility firsthand, but also based on the juvenile court judges' 'special training, experience and interest in this field.'"(citation omitted)).

Accordingly, we affirm the order terminating Mother's parental rights.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge